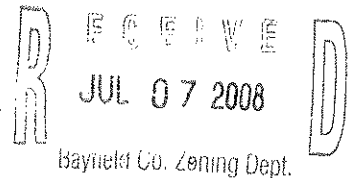


DECISION ON SPECIAL EXCEPTION  
BY BAYFIELD COUNTY BOARD OF ADJUSTMENT



Case #3  
June 26, 2008

**Town of Cable** is requesting a **special exception** as authorized under the terms of Section 13-1-22(j) of the Bayfield County Zoning Ordinance. This section states: Special Exceptions. Minimum side and rear yard setbacks (other than shoreline and public road setbacks) and minimum private road setbacks may be reduced, and side and rear yard setbacks (other than shoreline and public road setbacks) in commercial districts may be eliminated, by special exception granted by the Board of Adjustment pursuant to Section 13-1-102-(e)(4).

The special exception as authorized under this section is to construct residences 10' from side and rear property line(s) instead of the 75' as required in Section 13-1-60 (a)

The special exception as authorized under this section is to construct accessory building 10' from side and rear property line(s) instead of the 30' as required in Section 13-1-60(a).

Properties are sub-standard lots of record:

**Bruce A. & Kathy Goff** a 1-acre parcel (ID# 04-012-2-43-08-13-3 02-000-06000) described as a parcel in the NW SW in V.971 P. 428.

**Steven D. & Kevin J. Schmuecker** a 1.0-acre parcel (ID# 04-012-2-43-08-13-3 02-000-05000) described as S ½ of a par 32 rods by 10 rods in the NW SW.

**Shannon M. Schneller** a 0.60-acre parcel (ID# 04-012-2-43-08-13-3 02-000-10000) described as a parcel in the NW SW.

**Alice Wald** a 1.35-acre parcel (ID# 04-012-2-43-08-13-3 02-000-08000) described as N 16 rods of S 32 rods of W 10 rods in NW SW & par in V. 379 P.18.

**Della E. Weaver** a 1.03-acre parcel (ID# 04-012-2-43-08-13-1 04-000-40000) described as a parcel in the SE NE.

**all in Section 13, Township 43 N, Range 8 W, Town of Cable, Bayfield County, WI.**

**Major J. Jr. & Katherine L. Dudley** a 1.95-acre parcel (ID# 04-012-2-43-08-14-4 01 000-05000) described as Lots 1 & 2 of CSM 204.

**John K. Karow** a 3.04-acre parcel (ID# 04-012-2-43-08-14-4 01-000-03000) described as part of the NE SE (Lot 2 of CSM V.2 P.253)

**Kevin J. Schmuecker** a 1.70-acre parcel (ID# 04-012-2-43-08-14-4 01-000-02000) described as a parcel in the NE SE.

**all in Section 14, Township 43 N, Range 8 W, Town of Cable, Bayfield County, WI.**

**Danny B. Leppinen** a 1.92-acre parcel (ID# 04-012-2-43-08-22-4 04-000-60000) described as a parcel in the SE SE.

**in Section 22, Township 43 N, Range 8 W, Town of Cable, Bayfield County, WI.**

**Teresa Moore(Exum)** a 0.92-acre parcel (ID# 04-012-2-43-08-23-1 04-000-60000) described as a parcel in the SE NE.

**Ralph R & Donna J Govert** a 1.49-acre parcel (ID# 04-012-2-43-08-23-1 04-000-70000) described as S 500' of E 250' of SE NE less S 340' thereof.

**Charles J. McCarty & Lisa A. Pattee** a 2.0-acre parcel (ID# 04-012-2-43-08-23-1 04-000-90000) described as a parcel in the SE SE NE.

**all in Section 23, Township 43 N, Range 8 W, Town of Cable, Bayfield County, WI.**

**Kenneth & Bradley Janecek** a 1.0-acre parcel (ID# 04-012-2-43-08-24-2 03-000-30000) described as a parcel in the N ½ of the SW NW.

**Ruth M. & Gordon R. Tonn** a 0.56-acre parcel (ID# 04-012-2-43-08-24-2 03-000-20000) described as a parcel in the N ½ of the SW NW.

**all in Section 24, Township 43 N, Range 8 W, Town of Cable, Bayfield County, WI.**

**Matthew J. Caron** a 1.22-acre parcel (ID# 04-012-2-43-08-35-1 01-000-07000) described as a parcel in the NE of the NE.

**John Moody** a 0.47-acre parcel (ID# 04-012-2-43-08-35-4 04-000-30000) described as a parcel in the SE SE.

**Sam Alex Moore** a 2.43-acre parcel (ID# 04-012-2-43-08-35-1 01-000-05000) described as parcels in the NE of the NE.

**Phillip Lee Olson** a 1.48-acre parcel (ID# 04-012-2-43-08-35-4 04-000-20000) described as a parcel in NW corner of SE NE.

**Robert Thirado** a 0.54-acre parcel (ID# 04-012-2-43-08-35-1 01-000-09000) described as a parcel in NE NE.

**Lora Lee Branson, Donna Pace, Steen Washkuhn, Jeff Washkuhn & Greg Washkuhn** a 1.0-acre parcel (ID# 04-012-2-43-08-35-1 01-000-16000) described as a parcel in the NE NE.

**Phillip P. Young** a 3.55-acre parcel (ID# 04-012-2-43-08-35-1 04-000-20000) described as a parcel in the SE NE

**all in Section 35, Township 43 N, Range 8 W, Town of Cable, Bayfield County, WI.**

FINDINGS OF FACT, CONCLUSIONS OF LAW

1. Applicant requests a special exception affecting 21 pre-existing substandard lots of record in the Town of Cable.
2. The special exception will allow construction of residences 10' from the side and rear property lines instead of the normal 75'. It will also allow for construction of accessory buildings 10' from rear and side property lines rather than 30' as required by Sec. 13-1-60(a).
3. Director of Zoning & Planning, Karl Kastrosky, indicated that 30 different property owners were initially notified that they could apply for this special exception but not all of them did, so this is completely voluntary.
4. Mr. Kastrosky indicated that the Town of Cable had considered rezoning some of these areas but did not want to do the rezoning because they thought it would create the potential for spot zoning in this area.

5. Mr. Kastrosky felt that these special exceptions are needed because without them almost any development in this part of Cable would require a variance or special exception due to the pre-existing small lot sizes.
6. These special exceptions would not affect right-of-way setbacks nor shoreland setbacks in any way.
7. Joanne Lang, Town of Cable Treasurer, indicated that there were 29 or 30 parcels that were originally notified about the possibility of special exceptions. Of that number, 21 of the parcels expressed an interest in applying and some of the others may have to apply later if they want to be relieved of the effects of these small lot sizes.
8. When the Town of Cable accepted zoning they wanted 5 acre lots in this area. These are some small, pre-existing lots that were grandfathered in.
9. The town board wants these smaller lots to be capable of development. The town board is, in fact, paying the filing fee for this request for these special exceptions.
10. The Town of Cable has heard absolutely no objection or opposition to these special exceptions, either at meetings or in any type of mailings. This was confirmed by the zoning department.
11. The town does not want to see a wholesale change of zoning in this area.
12. The town board feels that this would facilitate the orderly development of these lots.
13. The board has considered all of the criteria for special exceptions in Sec. 13-1-41(b)4a. Of particular relevance in this situation is the following:
  - A. Demand for public services such as police and fire protection, solid waste disposal and road maintenance.
  - B. Potential impact of the proposed use on other lands and land uses in the vicinity.
  - C. The extent to which the proposed use would be compatible with the land use plan.
  - D. The community or general welfare would be furthered by these special exceptions.

Decision: For all of the above reasons the requests for special exceptions are granted to allow 10' side and rear yard setbacks for both residences and accessory buildings to each of the applicants mentioned above.

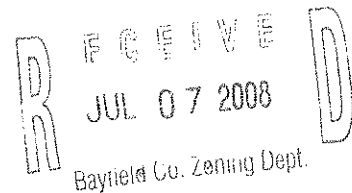
Motion made by Compton seconded by Lupa, to grant the special exceptions

MOTION PASSED.

VOTE: Yes 4 No 0

Dated: July 2<sup>nd</sup>, 2008

*Randy Matis*



Members Present: Richard Compton, Randy Matis, Phillip Lupa and Lee Wiesner

Also Present: Michael Fauerbach, Attorney for BOA